Appl. No. 09/870,302
Amendment dated: January 18, 2006
Reply to Office Action of: October 19, 2005

PATENT

REMARKS/ARGUMENTS

The claims are modified in the amendment. More specifically, claims 1-15 have been amended herein. Claim 20 has been cancelled and no new claims have been added. Therefore, claims 1-19 are present for examination. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §112 Rejection

Claims 1 through 20 are rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Specifically, the Office Action cites the recitation of "a content tracker that determines the content objects stored in the content store and configured to receive identifiers **directly** from the plurality of origin servers." [emphasis from Office Action] The Applicants point out that the claims have been amended to remove the word "directly" and therefore believe the reason for rejection has been removed.

The Office Action also cites the recitation of "wherein the content exchange apparatus is configured to receive the period of time associated with at least one of the content objects in the second section from the respective origin server." The Applicants point out that the cited element has been amended. Furthermore, support for the cited element, as amended, can be found at least on page 15, lines 6-15 of the detailed description. The Applicants therefore request that the rejection be withdrawn.

35 U.S.C. §112 Rejection

Claim 20 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 20 has been canceled, thereby rendering the rejection moot.

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35 U.S.C. §102 Rejection, Gurijala et al.

The Office Action has rejected claims 1, 5-8 and 15-20 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,601,090 to Gurijala et al. (hereinafter "Gurijala"). The Applicants respectfully submit the following arguments pointing out significant differences between claims 1-19 submitted by the Applicant and Gurijala.

Gurijala relates to caching within an Intranet objects available across the Internet. (col. 1, lines 8-11) Under Gurijala, "an object caching system . . . includes a cache name server and a plurality of web cache servers. Each of the plurality of web cache servers couples to the Intranet and to the Internet and stores a respective plurality of Internet objects that have been previously retrieved from the Internet. The cache name server couples to the Intranet, receives a request for an Internet object from a web client coupled to the Intranet, and directs the web client to a serving web cache server of the plurality of web cache servers based upon the request." (Col. 2, lines 18-28) The cache name server (CNS) maintains a database indicating which objects are stored on each of the web cache servers (WCSs). (Col. 4, lines 51-53) When a client requests an object from the CNS, the CNS queries its database to determine if any of the WCSs store a copy of the requested object. (Col. 4, lines 55-57) If so, the CNS directs the client to a WCS that stores the copy of the object. (Col. 4, lines 57-61) If not, the CNS directs the client to a selected WCS and the WCS queries a web server 112 which stores the object. (Col. 4, lines 61-64) The web server returns a copy of the object to the WCS which transmits a copy of the object to the client, caches a copy of the object locally, and notifies the CNS that it now has a copy of the object. (Col. 4, line 64 - col. 5, line 1) The CNS then indexes the cached object in its database to the WCS so that WCS will service subsequent accesses to the object. (Col. 5, lines 2-4)

Under Gurijala, "periodically, the CNS will perform entry aging." (Col. 6, line 50) "In such entry aging, the CNS will consider each entry in its database and determine whether it should kept." (Col. 6, lines 51-52) The CNS deletes the object if it is over-aged by first deleting it from the CNS database and then interacting with the previously corresponding WCS to remove the copy of the object from the WCS. (Col. 6, line 66 - col. 7, line 4) However,

Gurijala does not disclose a content exchange, i.e., WCS, receiving from an origin server, i.e., the web server, a predetermined period of time associated with at least one of the content objects and indicating a time for which that content object will be stored in the content store.

Claim 1, upon which claims 2-8 depend, recites in part "wherein the content exchange apparatus is configured to receive from at least one of the origin servers a predetermined period of time associated with at least one of the content objects and indicating a time for which that content object will be stored in the content store." Similarly, claim 9, upon which claims 10-14 depend, recites in part "wherein the second content exchange is configured to receive from at least one of the origin servers a predetermined period of time associated with at least one of the content objects and indicating a time for which that content object will be stored in the content store." Also, claim 15, upon which claims 16-19 depend, recites in part "wherein the content exchange apparatus is configured to receive from the origin server a predetermined period of time associated with at least one of the content objects and indicating a time for which that content object will be stored in the content store." Gurijala does not disclose a content exchange, i.e., WCS, receiving from an origin server, i.e., the web server, a predetermined period of time associated with at least one of the content objects and indicating a time for which that content object will be stored in the content store. Rather, under Gurijala, the CNS deletes the object if it is over-aged by first deleting the object from the CNS database and then interacting with the previously corresponding WCS to remove the copy of the object from the WCS. For at least these reasons, claims 1, 5-8 and 15-20 should be allowed.

35 U.S.C. §103 Rejection, Gurijala et al. in view of Chase

The Office Action has rejected claims 2-4 and 9-14 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,601,090 to Gurijala et al. (hereinafter "Gurijala") in view of the cited portions of European Patent No. EP 0877326A2 to Chase (hereinafter "Chase"). The Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims. Therefore, the Applicant requests reconsideration and withdrawal of the rejection.

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In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j).

As discussed in detail above, Gurijala fails to teach or suggest each claimed element of claim 1, upon which claims 2-4 depend, and claim 9, upon which claims 10-14 depend. For example, Gurijala fails to teach or suggest Furthermore, the combination of Gurijala and Chase is no more relevant to the pending claims than either reference alone since neither reference, alone or in combination, teaches or suggests each claimed limitation.

Chase is directed to a computer network in which data from an external database and cached by local stations can be shared between local stations. (Col 1, lines 5-10) More specifically, the network of Chase includes a plurality of local stations, each with a local cache for caching information from an external database. (Col. 3, lines 2-11) A central directory unit maintains a directory of data cached in the local stations. (Col. 3, lines 11-14) Each time a local station retrieves data from the external database, the local station updates the central directory. (Col. 5, lines 19-24) When a local station requires data from the external database, the local station can query the central directory unit for another local station having that data already cached and retrieve the data from that local station. (Col. 3, lines 14-23) However, Chase fails to disclose a time limit for maintaining entries in the cache of a local station or any way in which entries can be aged.

Furthermore, the combination of Gurijala and Chase is no more relevant to the pending claims than either reference alone since neither reference, alone or in combination, teaches or suggests a content exchange receiving from an origin server a predetermined period of time associated with a content object and indicating a time for which that content object will be stored in the content store as recited in each independent claim. Rather, under Gurijala, the CNS deletes the object if it is over-aged by first deleting the object from the CNS database and then interacting with the previously corresponding WCS to remove the copy of the object from the

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WCS while Chase fails to disclose a time limit for maintaining entries in the cache of a local station or any way in which entries can be aged. For at least these reasons, claims 2-4 and 9-14 should be allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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